

## **REMARKS/ARGUMENTS**

### **Claim Amendments**

The Applicant has not amended any of the claims; claims 21 and 22 have been added. Applicant respectfully submits no new matter has been added. Accordingly, claims 1-17 and 19-22 are pending in the application. Favorable reconsideration of the application is respectfully requested in view of the foregoing amendments and the following remarks.

### **Claim Rejections – 35 U.S.C. § 102(e)**

Claims 1-17, 19 and 20 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Ejzak (20030027569 A1, hereinafter Ejzak) The Applicant respectfully traverses the rejection of these claims and submits that the Ejzak does not disclose every limitation cited in independent claims 1 and 19.

It is important to remember that anticipation requires that the disclosure of a single piece of prior art reveals every element, or limitation, of a claimed invention. Furthermore, the limitation that must be met by an anticipatory reference are those set forth in each statement of function in a claims limitation, and such a limitation cannot be met by an element in a reference that performs a different function, even though it may be part of a device embodying the same general overall concept. Ejzak fails to anticipate each and every limitation of claim 1. Therefore, claim 1 is not anticipated.

Claim 1 recites:

1. Method for operating a switching node of a communications network, comprising the steps of  
receiving a communication service request,  
processing the requested communications service,  
determining an operation mode of the switching node, wherein the determined operation mode indicates whether the switching node is operative for the processing of the requested communication service part of a layered architectural environment providing a user plane layer for user data and a control plane layer for signaling data, or part of a non-layered architectural environment not providing a split between a user plane and a control plane, and wherein the processing of the requested communications service comprises the operating of the switching node in the determined operation mode. (emphasis added)

The Applicant's claimed invention recites a method and node in a communications network that can accommodate the tasks of a node as part of both a layered architectural environment (e.g., MSC-Server) and a non-layered environment (e.g., MSC/VLR). An operation mode is determined for processing a communication service request. The operation mode for the network node is determined by the determination of the access type of the communication service request. The access type of the communication service request is determined from a retrieved protocol that is utilized in the incoming communication service request. Responsive to the determined access type, the operation mode is then determined.

As defined in the Applicant's specification (see page 2, line 28- page 3, line 15), a layered environment includes an MSC-Server for control plane traffic and an MGW for user plane traffic. The switching node operates as an MSC-server. A non-layered environment provides an MSC to handle all traffic (i.e., no split between a control plane and a user plane). Additionally, the switching node in the Applicant's specification operates as an MSC only (i.e., without an MGW). The Applicant's claimed invention operates in both a layered and non-layered environment as defined in the Applicant's specification.

On the other hand, Ejzak discloses the use of an MSC which utilizes an MGW. Specifically, paragraph [0095] states that "... [t]he term MSC refers to the combination of an MSC server and any MGW it controls. Similarly, the term iMSC refers to the combination of an iMSC server and any MGW it controls." Ejzak teaches combinations of MSC and MGW and iMSC and MGW (a layered environment) because Ejzak always requires a MGW. Furthermore, the Ejzak reference does not disclose or teach a non-layered environment as in the Applicant's invention where a node handles all traffic, i.e., without utilizing a MGW.

In addition, Ejzak does not disclose determining the operation mode by first determining the access type of the communication service request from a retrieved protocol utilized in the communication service request. Nor does Ejzak teach a node that is part of a non-layered environment that handles all traffic without an additional

MGW. The Applicant respectfully requests the withdrawal of the rejection of claims 1 and 19 and the respective depending claims.

In the Office Action, the Examiner stated that Ejzak discloses a multiple air interface standard including GSM access network, which is associated with the non-layered environment. The Applicant respectfully disagrees with this characterization. Ejzak discloses a multiple air interface standard, but still requires the use of a MSC controlling a MGW. Ejzak clearly states that a MSC controls an MGW, either as an iMSC or MSC controlling an MGW. As defined in the Applicant's specification, a non-layered environment does not utilize an MGW. Therefore, since Ejzak clearly requires an MGW (see paragraph [0095]), Ejzak does not disclose operating in a non-layered environment as defined in the Applicant's specification. Ejzak merely discloses packet-switched and circuit-switched networks, which both utilize MGWs.

To reiterate some differences between the Applicant's invention and Ejzak, there are several points to consider. A conventional MSC in a monolithic network architecture (i.e., non-layered) processes both user data and signaling data (see the Applicant's specification, page 1, lines 11-14). Ejzak discloses an MSC which is split into an MSC-server and a media gateway. This is a layered architecture (see the Applicant's specification, page 1, lines 15-22). From a systems perspective, the MSC-Server is part of the control plane where signaling data is handled while the Media Gateway is part of the user plane where user data is handled. Furthermore, Ejzak discloses an iMSC-Server that translates air interface control processes into SIP. The iMSC-Server allows feature and service control to be performed by the Serving CSCF within IMS (see paragraph 11 of Ejzak). This iMSC allows for interworking between CS domains and PS domains. Ejzak further states that a mobile unit registers with the communication system by a location update. The serving system contacts either an MSC or an iMSC. Thus, the serving system, to which the mobile unit gets in contact with, supports either only classical MSC procedure or it supports only IMS procedures, or it supports both the classical MSC and IMS procedures. However, Ejzak is completely silent about a switching node that can be operated both in a node supporting a layered architecture and a non-layered architecture.

Therefore, since Ejzak is missing elements as recited in the Applicant's claimed invention, the Applicant respectfully requests the withdrawal of the rejection of claims 1 and 19 and the respective depending claims.

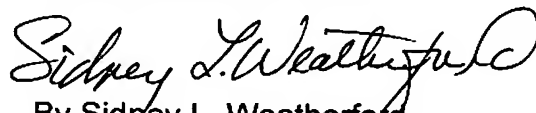
The Applicant has added claims 21 and 22. Claims 21 and 22 recite that the layered architectural environment includes a Mobile Switching Center-Server for processing signaling data in the control plane and a Media-Gateway for processing user data in the user plane. In addition, the non-layered architectural environment includes a Mobile Switching Center for processing all data without a split between the control plane and the user plane and without using a Media-Gateway. Support for these amendments are found on page 3, lines 1-15 of the Applicant's specification. As stated above, Ejzak requires the use of a media gateway for both packet-switched and circuit-switched networks and, thus, does not disclose use of a node operable in both a layered and non-layered architecture.

### **CONCLUSION**

In view of the foregoing remarks, the Applicant believes all of the claims currently pending in the Application to be in a condition for allowance. The Applicant, therefore, respectfully requests that the Examiner withdraw all rejections and issue a Notice of Allowance for all pending claims.

The Applicant requests a telephonic interview if the Examiner has any questions or requires any additional information that would further or expedite the prosecution of the Application.

Respectfully submitted,

  
By Sidney L. Weatherford  
Registration No. 45,602

Date:

Ericsson Inc.  
6300 Legacy Drive, M/S EVR 1-C-11  
Plano, Texas 75024

(972) 583-8656  
sidney.weatherford@ericsson.com